IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

-

WRIT PETITION NO: 14516 of 2004

Between:

Yadavalli Sri Durga Devi W/o. Venkateswar Rao
R/o. Dwaraka Thirumala Village and Mandal West Godavari.

... PETITIONER

AND

1. The Mandal Revenue Officer, Dwarka Thirumala Mandal, West Godavari.
2. Grampanchayat Dwaraka Thirumala, Rep. by its Secretary, Dwaraka Thirumala Mandal, West Godavari.
3. Chilukuru Chandra Shekar s/o. not known
   6th Ward Member, Dwaraka Thirumala, Village and Mandal West Godavari.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 and 2 in seeking to dispossess the petitioner of her house site/property in an extent of 5 cents in Sy.No.29/1 bounded by North RI quarters East Road, South Chilukuru Sitha and West Police Station in 6th Wards Dwaraka Thirmala, Village and Mandal West Godavari District without issuing any notice and even while the patta granted on 24.2.1999 in respect of the said property in favour of the petitioner is in force as arbitrary illegal, violative of principles of natural justice as also article 14,21, and 300 A of the Constitution of the India and consequently direct the respondents not to evict the petitioner from the above said property.

Counsel for the Petitioner: MR.P.PRABHAKAR RAO

Counsel for the Respondent No.1 : GP FOR REVENUE

Counsel for the Respondent No 2 : Mr.D.Srinivas

Counsel for the Respondent No.3: None appeared.

The Court made the following:

ORDER: -

The case of the petitioner is that after she was granted a house site patta No.598/1998 for ac.0-05 cents in S.No.29/1 on 24-02-1999 she raised a hut and is living therein and that on 14-08-2004 at 6 p.m., respondents along with the Assistant Sub Inspector of Police and others high handedly demolished that hut, walls and had thrown away the house hold articles, cooking vessels etc., causing damage to a tune of Rs.25,000/- to her and so a direction to the respondents may be given not to dispossess her from the Ac.0-05 cents of the site in S.No.29/1 covered by the patta given to her.

2. First respondent filed his counter affidavit on his behalf and 2nd respondent contending that M. Venkata Lakshmi Kanaka Durga Mohan Rao brother of the petitioner obtained a Patta, benami in the name of the petitioner, and constructed a thatched hut for cattle therein and since petitioner was never in possession of the said site, and is living in her house at Jalapavari Gudem village at Kamavarapu Kota Mandal, constructed by Housing Corporation, and has a white ration card bearing No.11112/03 and is enrolled in the Electoral Roll Part No.117/C with Sl.No.215 of Chintalapudi Assembly constituency she is not entitled to patta in respect of the land and since encroachment made by her brother was removed, after following the prescribed norms and patta conditions, petitioner is not entitled to any relief.

3. Question whether petitioner, in fact, is residing in the site in respect of which she was granted patta or not, and if she is living permanently at Jalapavari Gudem village and has a white ration card and is registered as voter in Chintalapudi Assembly constituency, are all questions of fact, which cannot be decided in this writ petition. According to the allegation in the petition, the thatched shed in the site was removed. To get back possession petitioner has to approach a Civil Court and is not entitled to any relief in this petition.

4. Hence, the writ petition is dismissed. No costs.

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C.Y. SOMAYAJULU, J

Dt.13-04-2005

Glv

ASSISTANT REGISTRAR

Copy to:

1. The Mandal Revenue Officer, Dwarka Thirumala Mandal,
West Godavari.
2. Grampanchayat Dwaraka Thirumala, Rep. by its Secretary,
Dwaraka Thirumala Mandal, West Godavari.
3. Two CCs to the Government Pleader for Revenue,
High Court Buildings, Hyderabad. (OUT)

Two CD copies

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